



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/698,595
Filing Date	27 October 2000
First Named Inventor	Duane G. UITENBROEK
Group Art Unit	1771
Examiner Name	Andrew Piziali
Attorney Docket Number	KCC-15219

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declarations

iii. ☒ Information Disclosure Statement (IDS), Form PTO-1449 and a copy of each cited reference

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-3550

i. ☐ RCE fee required under 37 C.F.R. § 1.17 (e)

ii. ☐ Extension of time fee (37 C.F.R. § 1.136 and 1.17)

iii. ☒ Other any deficiency in the enclosed fee

b. ☒ Check in the amount of \$ 770.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Margaret M. Crosby	Registration No. (Attorney/Agent)	40,969
Signature	<i>Margaret M. Crosby</i>	Date	22 September 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Comm. for Patents, PO Box 1450, Alexandria VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: 09/22/04

Name (Print/Type)	Margaret M. Crosby	Date	22 September 2004
Signature	<i>Margaret M. Crosby</i>		

SEND FEES and completed forms to the following address: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450



Docket No.: KCC-15219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Duane G. UITENBROEK, et al.

Group No. 1771

Serial No.: 09/698,595

Examiner: Andrew Piziali

Filing Date: 27 October 2000

Title: ELASTOMERIC, BREATHABLE  
LAMINATE WITH ENHANCED  
BREATHABILITY UPON EXTENSION

Confirmation No. 8268

Customer No. 35844

**RESPONSE TO FINAL OFFICE ACTION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Final Office Action mailed 22 July 2004, Applicants submit the following remarks:

**Listing of the Claims** begins on page 2 of this paper.

**Remarks** begin on page 9 of this paper.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

22 Sept. 2004

9-22-04

Date

Margaret M. Crosby

Signature